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Paper No. 3

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

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JUN 13 2002

OFFICE OF PETITIONS

In re Application of :
David Vardi : DECISION GRANTING
Application No. 10/026,309 : PETITION
Filed: December 21, 2001 :
Attorney Docket No. P/1318-149 :

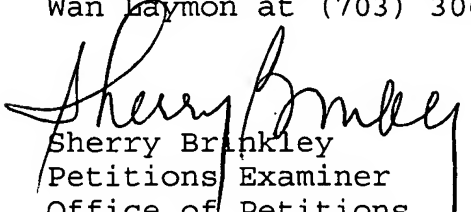
This is a decision on petition under 37 CFR 1.10 (c) filed on April 15, 2002, which is being treated as a petition under 1.10(d), requesting that the above-identified application be accorded a filing date of December 21, 2001, rather than the presently accorded filing date of December 22, 2001.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on December 21, 2001, pursuant to 37 CFR 1.10. In support applicant submits, inter alia, a copy of a U.S. Postal Service (USPS) record styled "Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post" showing that a package bearing Express Mail label No. EL157419035US was picked up by the USPS from counsel's office on December 21, 2001. The same Express Mail receipt number was referred to in the copy of the original transmittal letter submitted with present petition.

Since the evidence from the USPS, namely, the Express Mail pickup Service Statement, corroborates a "date-in" of December 21, 2001, the petition is granted.

The application is being returned to Initial Patent Examination Division for correction of the filing date to December 21, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.


Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy